

RECEIVED  
SDNY PRO SE OFFICE  
Capt. Joseph Baer  
633 Brandtly Ridge Dr  
Covington, Kentucky 41015

2021 APR 27 PM 2: 24

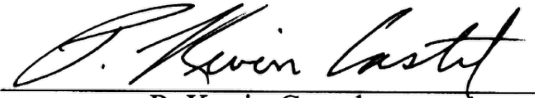
Via Mail & Facsimile: (212) 805-7949.

Judge P. Kevin Castel  
United States Courthouse Courtroom 11D  
500 Pearl Street  
New York, NY 10007

For the reasons stated in the  
Court's Order of April 26, 2021, 26SEP2021  
the motion is DENIED.

SO ORDERED.

Dated: 6/9/2021

  
P. Kevin Castel  
United States District Judge

Re: Absolute Nevada LLC. v. Grand Majestic Riverboat Company LLC.  
Docket No.: 19-ok cv-11479 (PKC)

Dear Judge Castel,

Capt. Joseph Baer, in Pro Se, say before this court in relation to the Court's Order of the 21<sup>st</sup> of April, 2021. Capt. Baer makes **Motion for Stay of Proceedings Pending Appeal**.

**MOTION FOR STAY OF PROCEEDINGS PENDING APPEAL**

NOW INTO COURT, comes Capt. Joseph Baer, in Pro Se, respectfully moves this Court pursuant to Fed. R. Civ. P. 7(b) for entry of an order staying the proceedings until ten (10) days after the Second Circuit Court of Appeals issues a ruling resolving Capt. Baer's appeal of this Court's dismissal of Capt. Baer's Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause enjoining Absolute Nevada, James Kliener, and the current Arbitration panel; Robert Shaw, Peter S. Wiswell, and George Tsimis; pending appeal.

In support, Capt. Baer state as follows:

1. On the 4<sup>th</sup> of August, 2020 , the Court conducted a hearing on Absolute Nevada's Order to Show Cause.
2. On the 1<sup>st</sup> of September, 2020, the court determined that Capt. Baer had been properly served and was in contempt.
3. On the 30<sup>th</sup> of September, 2020, Capt. Baer filed a Motion for Reconsideration and Vacate. On the 15<sup>th</sup> of October, 2020 Absolute Nevada through their counsel filed a Cross-Motion

Mailed 6/9/2021

for attorney's fees and motioned for the arrest and incarceration of Capt. Baer for his refusal to comply and release the lien against the MV Americana.

4. On the 18<sup>th</sup> of December, 2020 the court denied Capt. Baer's motions and denied Absolute Nevada's Cross-Motions

5. On the 6<sup>th</sup> of January, 2021, Capt. Baer appealed the Courts decision of the 1<sup>st</sup> of September, 2020 and the court's decision of the 18<sup>th</sup> of December, 2020, to the United States Court of Appeals for the 2nd Circuit.

6. On the 25<sup>th</sup> of March, Mr James Kleiner, on half of Absolute Nevada filed a Petition to confirm the arbitration award into a judgment of the court.

7. On the 5<sup>th</sup> of April, 2021, Capt. Baer filed a Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause.

8. In a bizarre and unusual course of events, outside standard procedure, the court held his pleadings for "Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause" in chambers for two weeks and blocked the Pro Se Clerk from filing Capt. Baer's pleadings into the record.

9. Absolute Nevada's counsel, James Kleiner, wrote into chambers on the 19<sup>th</sup> of April, 2021, a formal letter with his objections and discontent to Capt Baer's Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause. Mr. Kleiner's requests were submitted in an improper format nor were they requested in a proper motion. Mr Kleiner's letter was filed immediately upon receipt. Capt. Baer's original motion was not allowed until two days later. Even though it was filed April 5<sup>th</sup> the record shows it not being filed until the 23<sup>rd</sup>, 17 days after actual filing date.

10. On the 21<sup>st</sup> of April Capt. Baer filed a Notice Appeal in response to the court's ruling of the same day denying his Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause.

11. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” Landis v. N. Am. Co., 299 U.S. 248, 254 (1936).

12. A federal district court “has broad discretion to stay proceedings as an incident to its power to control its own docket.” Clinton v. Jones, 520 U.S. 681, 706 (1997). Accord Sierra Club v. United States Army Corps. of Eng’rs, 446 F.3d 808, 816 (8th Cir. 2006).

13. Capt. Baer’s Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause raise the legal issues that are likely to be addressed by the Second Circuit in adjudicating Capt. Baer’s appeal of this Court’s denial of a preliminary injunction.

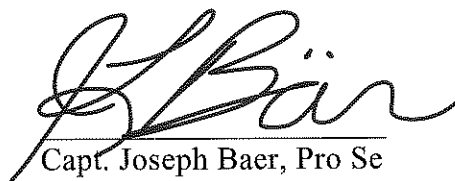
14. Judicial efficiency counsels strongly in favor of staying this Court’s proceedings pending appeal. Absent an order of this Court staying further proceedings all parties will be required to concurrently litigate this matter in both courts and arbitration.

15. Such a concurrent litigation process is unnecessarily duplicative and costly and is not designed “to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1.

WHEREFORE, Capt. Baer respectfully moves the Court enter an order staying the proceedings until ten (10) days after the Second Circuit issues a ruling resolving Capt. Baer’s appeal of this Court’s denial of his Petition for Preliminary Injunction, Temporary Restraining and Order to Show Cause; Motion for Reconsideration, Vacate and New Trial; and the District Court’s ruling of September 1<sup>st</sup>, 2020 and it ruling of December 18<sup>th</sup>, 2020

Submitted this 26<sup>th</sup> day of April , 2021.

Respectfully Submitted,

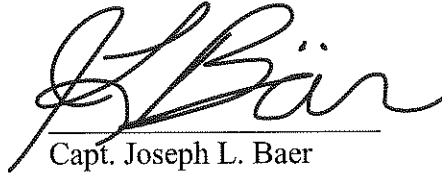
A handwritten signature in black ink, appearing to read "J. Baer", written over a horizontal line.

Capt. Joseph Baer, Pro Se  
633 Brandtly Ridge Dr  
Covington, KY 41015  
[steamboatpilot1975@gmail.com](mailto:steamboatpilot1975@gmail.com)  
504-460-2057

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading has been served by electronic mail placing a copy of the same by US Mail prepaid postage this 26<sup>th</sup> of April 2021

Respectfully Submitted,



Capt. Joseph L. Baer  
633 Brandtly Ridge  
Covington, Kentucky 41015  
504-460-2057 (Mobile)

James D. Kleiner  
HILL, BETTS & NASH LLP  
14 Wall Street  
New York, New York 10005  
Direct Dial: (212) 589-7517  
Mobile: (914) 572-7788  
Fax: (212) 466-0514  
[jkleiner@hillbetts.com](mailto:jkleiner@hillbetts.com)

Adam M. Wernicke, Esq.  
**Hill, Betts, & Nash LLP.**  
14 Wall Street, Suite 5H  
New York, NY 10005  
**Phone: 212-589-7522**  
**Fax: 212-466-0514**  
[awernicke@hillbetts.com](mailto:awernicke@hillbetts.com)

James E. Forde, Esq.  
Hill Rivkins LLP  
45 Broadway, Ste 1500  
New York, NY 10006  
[jforde@hillrivkins.com](mailto:jforde@hillrivkins.com)

Peter Wiswell  
1407 Fairfield Beach Road,  
Fairfield, Connecticut 06824  
Mobile: (646) 430-4976  
E-mail: [pwiswell@southportassoc.com](mailto:pwiswell@southportassoc.com)

Robert Shaw  
130 East End Avenue (Apt.12A),  
New York NY 10028  
Telephone: (917) 415-3603  
Email: [rgshaw1565@gmail.com](mailto:rgshaw1565@gmail.com)

George J. Tsimis  
GJT Marine Consultants LLC  
212 Ryder Road  
Manhasset, New York 11030  
Tel: +1-917-306-7711  
email: [gtsimis@gjtmarine.com](mailto:gtsimis@gjtmarine.com)

SHIP DATE: 26APR21  
ACTWT: 1.00 LB  
COD: 106857343MSX3000

(516) 222-9352

FROM:  
FedEx Office  
581 Stewart Ave  
Garden City NY 11530

BILL SENDER

TO Pro Se Clerk

Clerk Of Court, US Court for The So

500 Pearl St.

New York City NY 10007

(504) 460-2057

REF: FXO #101651399538845

INV:

PO:

DEPT:

FedEx  
Home Delivery



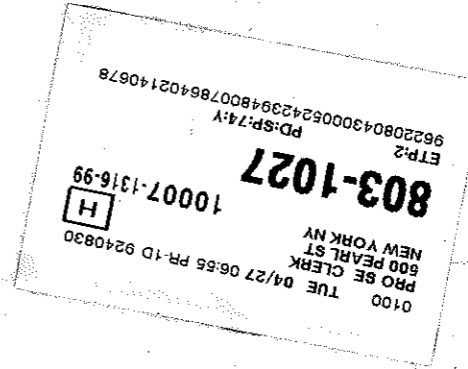
1211321033101UV



TRK# 7864 0214 0678

10007

9622 0804 3 (000 524 2394) 8 00 7864 0214 0678



Rec'd By  
PRO SE  
4/27/21  
(19)